

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 2 of 9

Attorney's Docket No.: 16366-013001

### REMARKS

#### I. Introduction

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references. Claims 1-54 remain pending in the Application.

#### II. Personal Interview

In order to expedite prosecution, Applicant's representative initiated a personal interview with Examiner Bates. Applicant and Applicant's representative would like to thank Examiner Bates for his courtesy in conducting the requested interview on July 20, 2005 and for his assistance in resolving issues.

During the interview, Applicant's representative and Examiner Bates discussed the Kearns reference in relation to reusable distributed objects that are in communication with a central host to receive configuration change alerts. Examiner Bates indicated that he would reconsider the Kearns reference in view of Applicant's arguments. In a subsequent message left on Applicant's Attorney's voicemail system, Examiner Bates acknowledged this distinction, and requested that such argument be presented in a formal response. Also, it is respectfully submitted that the finality of the outstanding Office Action is *premature* for the reasons set forth below (e.g., Applicant's arguments with respect to claims 44 and 45 have not been addressed by the pending rejection), and request that the finality be *withdrawn* and this response be treated as a response to a non-final Office Action so as to afford the Applicant an opportunity to further address the Examiner's arguments.

#### III. The Rejection Of Claims 1-35, 40-47 and 50-54 Under 35 U.S.C. § 102

Claims 1-35, 40-47 and 50-54 are rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 5,946,831 to Kearns. Applicant respectfully traverses this rejection for at least the following reasons.

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 3 of 9

Attorney's Docket No.: 16366-013001

#### A. No Central Host That Sends Change Alerts

Claim 1 recites in-part that the plurality of reusable distributed objects are in communication with the central host to receive configuration change alerts and to download configuration data from the central host's fault tolerant central registry system

In the previous Response, Applicant's argued that Kearns fails to describe a central host configured to manage a plurality of reusable distributed objects, send configuration change alerts to the plurality of reusable distributed objects and provide configuration data to the plurality of reusable distributed objects. More specifically, Kearns' system monitor 24, or any other component, is not capable of sending configuration change alerts to the system library or any other applications within the system (see, page 17 of Amendment filed December 14, 2005). In response, citing application processes 36 and remote nodes 40, the Examiner alleged that Kearns discloses "sending alerts and updates ... and configuration files to a plurality of nodes" and "... messages that the databases need to be resynchronized (see, page 12 of Office Action)."

Applicant respectfully disagrees.

The central system 22 of Kearns does *not* transmit alerts related to configuration change to the system monitors of the remote nodes. Indeed, a system monitor of a node (e.g., node A) confirms status of another node (e.g., node C) using a handshake at each communication. The handshake includes a request up to the central library for a protocol for communicating with the other node. The system monitor of a node proceeds to update *only* its own system configuration database and does *not* require the receipt of any alert before (or after) its update (see, e.g., col. 14, line 54 to page 15, line 7). Accordingly, a configuration change alert is *not* and need not be sent to other remote nodes, because each node is readily programmed to determine the status of other nodes via a handshake protocol at each communication. Accordingly, it is respectfully submitted that Kearns does not disclose or suggest that the remote nodes receive any configuration change alert(s).

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 4 of 9

Attorney's Docket No.: 16366-013001

### B. No Configuration Data From A Central Host

Applicant submits that the remote nodes of Kearns do *not* download or retrieve any configuration data *from* the alleged central host, as is evident by the node status retrieval process explained at col. 14, line 54 to col. 15, line 7. At best, the remote nodes of Kearns merely report to other nodes their status. Indeed, the node status update is operated only through the handshake protocol between the nodes via the line handlers 402-406, an operation which is *independent* of the alleged central host.

### C. Line Handlers Are Not Reusable Distributed Objects

Furthermore, during the interview, the Examiner suggested that the line handlers 30 of Kearns may be construed as the claimed reusable distributed objects. However, Applicant respectfully submits that such construction still fails to arrive at the claimed invention, because the line handlers 30 are *not* configurable. Specifically, as expressly disclosed in Kearns, the line handlers are process entities (i.e., applications that run on a platform referenced by the location of the object and the resources of a process, see, col. 5, line 65 to col. 6, line 4), in which each handler process is an application programmed (or pre-programmed) to recognize and process a message from the ROUTE source (see, col. 6, lines 65-67), and *cannot* simply be modified or reconfigured. This is further supported by the fact that the configuration of the line handlers 402-406 illustrated in Fig. 7 cannot be changed, modified or reconfigured, even if both the primary and the backup links of the line handlers fail. For all of the foregoing reasons, it is respectfully submitted that the line handlers 30 of Kearns and the claimed reusable distributed objects *cannot* reasonably be construed as equivalent, because the line handlers 30 of Kearns are not configurable, let alone receive a configuration change alert and download any configuration data to modify the configuration thereof.

With respect to claim 2, this claim recites in-part storing, in a first computer system, a central registry database including configuration information related to the distributed components, and receiving requests from the distributed components for configuration information updates.

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 5 of 9

Attorney's Docket No.: 16366-013001

In the pending rejection, the Examiner maintains that the control point of Kearns receives requests from the remote nodes to update its configuration information (see, page 13, lines 5-6 of Office Action). However, Applicant respectfully submits that such interpretation departs from what is disclosed in Kearns, because Kearns expressly discloses that the primary function of the control point 26 is to handle requests from the command facility 28 so as to configure, monitor and control entities in the local node (see, col. 7, line 67 to col. 8, line 1). That is, the control point 26 handles requests only from the command facility, and does *not* manage any request from the remote nodes. Also, Kearns, at best, discloses only that the control point 26 operates to configure the processes residing in a single local node, and is completely silent with regard to the inter-relationship between the control point and other remote nodes. Most importantly, as discussed *supra*, each remote node of Kearns comprises its own system configuration database containing the status of other neighboring nodes. Accordingly, Kearns does *not* utilize or require a central registry database to record the node status of the remote nodes. Accordingly, it is respectfully submitted that Kearns fails to disclose or suggest "storing, in a first computer system, a central registry database including configuration information related to the distributed components" and "receiving requests from the distributed components for configuration information updates," as recited in claim 2.

With respect to claim 9, as this claim also recites the claimed feature "a central registry database," it is respectfully submitted that claim 9 is at least allowable over Kearns for reasons discussed above with respect to claim 2. Additionally, claim 9 recites in-part receiving at a first computer system data translation and messaging configuration information from a configuration information input module. While Applicant argued in the previous Response that Kearns does not disclose that the information in the configuration database is Applicant's claimed configuration information (associated with the distributed components), the Examiner responded that Kearns discloses this limitation at col. 4, lines 35-40 and col. 9, lines 47-54 (see, page 13, 2<sup>nd</sup> paragraph of Office Action).

As a preliminary matter, the portion of Kearns cited at col. 4, lines 35-40 is related to the functionality of the system library 35, which is completely *irrelevant* to the operation of the

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 6 of 9

Attorney's Docket No.: 16366-013001

indicated distributed components. With respect to col. 9, lines 47-54, Kearns discloses that the status table [of the remote nodes] is a part of a global set of information maintained by the common code 31, where the custom code 33 of the line handler modifies the message processing based on a predetermined protocol (see, Fig. 7). In other words, this indicated portion relates to message modification as defined by one messaging protocol, which is not the same as receiving translation and messaging configuration information associated with an as yet-to-be-defined protocol. Further, the pending rejection appears to ignore the fact that the message processing disclosed at the alleged section of Kearns is directed to a transaction message (i.e., from the ATM) as the customer initiates a transaction (see, col. 7, lines 37-38), so that such message cannot be equated to configuration information of the alleged distributed components. Accordingly, it is respectfully submitted that Kearns does not disclose "receiving data translation and messaging configuration information," let alone suggest one that is accessed and modified by an user.

With respect to claim 16, as claim 16 also recites the claimed feature "a central registry database containing configuration information," it is respectfully submitted that claim 16 is at least allowable over Kearns for reasons discussed above with respect to claim 2.

With respect to claim 23, as claim 23 also recites the claimed features "a central registry database used to store configuration data" and "the component control modules ... communicate ... to receive component configuration data," it is respectfully submitted that claim 23 is at least allowable over Kearns for reasons discussed above with respect to claims 1 and 2.

With respect to claim 28, this claim recites in-part that the control brokers are configured to communicate with the central registry system to receive configuration data.

In the previous Amendment, Applicant argued, "The handshake process only indicates the status of a system" and "no configuration information is exchanged (see, page 19 of Amendment filed December 14, 2005)." In response, the Examiner maintained that Kearns discloses "system libraries ... can replicate its information to those nodes (see, page 14 of Office Action)."

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 7 of 9

Attorney's Docket No.: 16366-013001

It appears the Examiner has misunderstood Applicant's previous arguments. Specifically, Applicant was *not* arguing that the remote nodes of Kearns do not receive any *information* from the system libraries. Instead, Applicant was arguing that Kearns does not teach or suggest that Kearns' remote nodes receive any *configuration data* from a central registry system. More specifically, Kearns teaches transmission of status of the nodes and *no* configuration information is received or exchanged via the alleged central registry system. Accordingly, Applicant respectfully submits that Kearns does not disclose or suggest control brokers that are configured to communicate with a central registry system to receive configuration data, as recited in claim 28.

With respect to claims 40 and 53, these claims recite in-part collecting configuration change information from a plurality of distributed components related to the requests for configuration changes.

As noted in the pending Office Action, the Examiner reiterated his previous position that Kearns discloses the foregoing limitation at col. 12, line 58-col. 13, line 3 and col. 13, lines 41-53 (see, page 15, lines 1-2 of Office Action). However, it is not clear to the Applicant as to how this citation addresses Applicant's argument stated in the previous Response. More specifically, Kearns describes the system monitor 24 as determining a *status* of a node and sending the status to the system configuration, but does not disclose determining the *node's configuration* for update purpose.

Even assuming *arguendo* that this citation is relevant, Kearns expressly discloses updating a backup database so as to provide database duplication in an event of system failure at one or more nodes. In this regard, it should be noted that any file forwarded to the backup database is *not* a result of a request for any configuration change, as this process is automatically carried out to ensure the synchronization of the primary and backup systems (see, col. 13, lines 41-47). For all of the foregoing reasons, it is respectfully submitted that Kearns does not disclose collecting configuration change information ... related to the requests for configuration changes.

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 8 of 9

Attorney's Docket No.: 16366-013001

With respect to claims 41 and 52, in rejecting these claims in conjunction with claim 9, the Examiner asserted that the configuration information of Kearns includes data translation and messaging information in which the configuration information may be updated and distributed. However, Applicant notes that this argument still fails to address the claim limitation "receiving at the first host configuration change information from the central host related to the requests for configuration changes," as recited in claims 41 and 52. Indeed, the Examiner has not identified a section of Kearns as suggesting this claimed feature (see, page 9, lines 1 and 2 of Office Action). Even if such section was previously implied, Applicant maintains that any configuration change forwarded to the backup database is automatically carried out so that any update of this change is not a result of any request (see, col. 13, lines 41-47). Accordingly, Kearns does not disclose or suggest "receiving at the first host configuration change information from the central host related to the requests for configuration changes," as recited in claims 41 and 52.

With respect to claim 42, as claim 42 also recites the claimed features "providing a central host module including a central database of configuration data" and "the central host module manages and distributes configuration data to the plurality of integration modules," it is respectfully submitted that claim 42 is at least allowable over Kearns for reasons discussed above with respect to claims 2, 16, 23 and 28.

With respect to claims 44 and 45, as Applicant's argument presented in the previous Response has not been expressly addressed in this pending rejection, Applicant respectfully maintains that claims 44 and 45 are allowable over Kearns for reasons discussed in the previous Response.

With respect to claim 54, as claim 54 also recites the claimed features "a central registry database used to store configuration data" and "communicate with the means for storing a central registry database to receive configuration data," it is respectfully submitted that claim 54 is at least allowable over Kearns for reasons discussed above with respect to claims 1 and 2.

Applicant : Berkman et al.  
Serial No. : 09/703,888  
Filed : November 1, 2000  
Page : 9 of 9

Attorney's Docket No.: 16366-013001

**V. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims. *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 2, 9, 16, 23, 28, 40-42, 44-45 and 52-54 are at least allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

**VI. Conclusion**

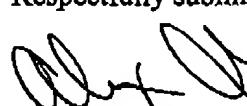
Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: 8/26/05

  
Alex Chan  
Reg. No. 52,719

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

50294963.doc